

**BARNES & THORNBURG**



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Indianapolis, Indiana 46204  
(317) 236-1313

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 2152

Attorney

Docket: 6573-68375

Applicant: Emsley, et al.

Invention: TESTING INSTRUMENT

Serial No: 09/844,413

Filed: April 27, 2001

Examiner: Unknown

Certificate Under 37 CFR 1.6(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on September 24, 2001

Kim Tyree

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Dated: September 24, 2001

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REQUEST FOR CORRECTED FILING RECEIPT

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Washington, D.C. 20231

Sir:

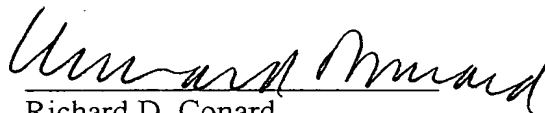
A copy of the official filing receipt for the above-identified application is attached. The requested corrections are noted in red. Applicants note that, under Projected Publication Date" it is incorrectly indicated that "Request for Non-Publication Acknowledged". Please correct to show a projected publication date. Applicants filed a Rescission of Request made Under 35 USC §122(b)(2)(B)(iv) on July 10, 2001. Copies of the Rescission and the return postcard with the Office's date stamp showing receipt on July 12, 2001 are attached, with the pertinent information highlighted in yellow.

Applicants believe that no fee is due to correct the filing receipt as noted above. However, in the event a fee must be paid, the Commissioner is hereby authorized to charge any

fees that may be required to Deposit Account 10-0435 with reference to our matter 6573-68375.

A duplicate copy of this Request to Correct Filing Receipt is submitted herewith for that purpose.

Respectfully submitted,  
BARNES & THORNBURG

A handwritten signature in cursive script, appearing to read "Richard D. Conard", written over a horizontal line.

Richard D. Conard  
Registration No. 27,321

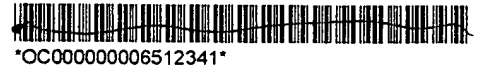
Indianapolis, Indiana  
(317) 231-7285



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/844,413	04/27/2001	2152	689	6573-68375	76	41	5

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BARNES & THORNBURGCONFIRMATION NO. 1376  
UPDATED FILING RECEIPT

Date Mailed: 09/04/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Brett W. Emsley, Indianapolis, IN;  
James E. Harris, Indianapolis, IN;  
Dennis Orndorff, Greenfield, IN;  
Gregg S. Rodgers, Noblesville, IN;  
Gary W. Sinde, Indianapolis, IN;

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## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/796,258 02/28/2001  
AND CLAIMS BENEFIT OF 60/209,236 06/05/2000

## Foreign Applications

If Required, Foreign Filing License Granted 06/20/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: ~~Yes~~ *NO*

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Testing instrument

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Bib Data Sheet

CONFIRMATION NO. 1376

<b>SERIAL NUMBER</b> 09/844,413	<b>FILING DATE</b> 04/27/2001 <b>RULE</b>	<b>CLASS</b> 709	<b>GROUP ART UNIT</b> 2152	<b>ATTORNEY DOCKET NO.</b> 6573-68375
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## APPLICANTS

Brett W. Emsley, Indianapolis, IN;  
 James E. Harris, Indianapolis, IN;  
 Dennis Orndorff, Greenfield, IN;  
 Gregg S. Rodgers, Noblesville, IN;  
 Gary W. Sinde, Indianapolis, IN;

## \*\* CONTINUING DATA \*\*\*\*\*

THIS APPLICATION IS A CIP OF 09/796,258 02/28/2001  
 AND CLAIMS BENEFIT OF 60/209,236 06/05/2000

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

IF REQUIRED, FOREIGN FILING LICENSE GRANTED \*\* SMALL ENTITY \*\*  
 \*\* 06/20/2001

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY IN	SHEETS DRAWING 76	TOTAL CLAIMS 41	INDEPENDENT CLAIMS 5
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

## ADDRESS

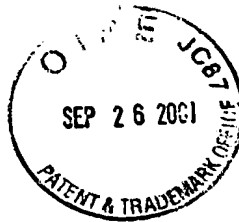
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 Indianapolis, IN 46204

## TITLE

Testing instrument

<b>FILING FEE RECEIVED</b> 689	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees ( Filing )
		<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 2152 (from filing receipt)

Attorney

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Invention: TESTING INSTRUMENT

Appl. No: 09/844,413

Confirmation No.: 1376

Filed: April 27, 2001

Examiner: Unknown

Certificate Under 37 CFR 1.8(a)

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on July 10, 2001

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Signature

Richard D. Conard

Type Name

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RESCISSION OF REQUEST MADE UNDER 35 USC § 122 (b)(2)(B)(i)

Assistant Commissioner for Patents

Washington, D.C. 20231

BOX

Sir:

Applicant made a request, contemporaneously with the filing of this application, under 35 U. S. C. § 122 (b)(2)(B)(i), certifying that the invention disclosed in the application had not and would not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing. Applicant hereby rescinds that request pursuant to 35 U. S. C. § 122 (b)(2)(B)(iv), and requests publication in due course.

Respectfully submitted,

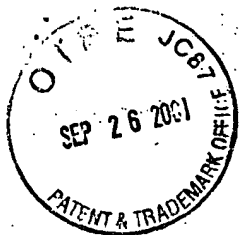
*Richard D. Conard*

Richard D. Conard

Attorney Reg. No. 27321

RDC/kat  
Indianapolis, Indiana  
(317)231-7285

INDS02 RDC 391315



Mailed: July 10, 2001  
Applicant: Emsley, et al.  
Invention: Network Testing System  
Social No.: 09/844,413  
Attorney Docket: 6573-68375

☒ Executed Declaration  
☒ Notice to file Missing Parts  
☒ Check in the amount of \$65.00  
☒ Response to Notice to File Missing Parts  
☒ Recission of Request

The stamp of the U.S. Patent & Trademark Office affixed hereto acknowledges receipt of the indicated papers.

RDC/kat

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